

# WOLFF & SAMSON

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August 20, 1996

## VIA TELECOPY AND REGULAR MAIL

Lance R. Richman, P.G.  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency  
290 Broadway, 19th Floor  
New York, New York 10007-1866

**RE: Diamond Alkali Superfund Site, Passaic River Study Area-  
Response to CERCLA Section 104(e) Information Request**

Dear Mr. Richman:

This letter responds to the July 9, 1996, information request issued by the U.S. Environmental Protection Agency-Region II ("EPA") to our client, Adco Chemical Company ("Adco"), located at 49 Rutherford Street, Newark, New Jersey 07105. EPA issued the information request pursuant to section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq., ("CERCLA"). The information request concerns activities involving the Diamond Alkali Superfund Site, Passaic River Study Area. Amelia Wagner, EPA-ARC, granted our client an additional two weeks to file this response, and thus this changed the submittal date to August 23, 1996.

A separative narrative response to each question follows according to EPA's instructions.

## Question Numbers:

1. a. ADCO operated the facility from 1940 through 1975. Adam G. Dunn owned this facility.

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2. a. Adco Chemical Company obtained a permit in 1980, Permit Number NJD002154086.  
b. No, it did not have a Federal Water Pollution Control Act Permit.
3. Yes to Xylene. No to all other substances.
4. a. The manufacturing process used monoglyceride plus dibasic acid heated to reaction temperature - hold for characteristics. The materials were cooled and solvent added to achieve the desired characteristics.  
b. The manufacturing process used Vinyl Acetate, Butyl Acrylate, Methyl Methacrylate monomers which were added to water and a soap solution. These materials were heated to reaction temperature until all of the monomers reacted, then cooled and adjusted to the appropriate characteristics.
  - i. see (b).
  - ii. none.
  - iii. none.
5. a. Adco was a small company with limited resources. No one was identified or in charge of disposal of any hazardous substances. No federal law existed at the time requiring that a specific person be charged with such a duty.  
b. Can not identify - still looking for any records or information as the operation has been non-functional for over 19 years, and the facility was sold.  
c. The facility used storage tanks or drums.
  - i. The entire facility was paved with concrete.
  - ii. Full drums were always stored inside to protect them from the weather.  
d. Not applicable. See response to question 4 (b) (ii) and (iii) above.
6. a.
  - i. Yes, it was discharged into the sewer from 1940 to 1975.
  - ii. Collected in a holding tank, neutralized with sodium hydroxide to a pH of 7-8, then discharged to a sanitary sewer.
  - iii. Not applicable.
  - iv. Not applicable.

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- b.
    - i. Looking for drawings.
    - ii. Looking for drawings.
  - c.
    - i. No.
    - ii. No.
    - iii. No.
    - iv. none
  - d. Looking for drawings.
7. a. The substances identified in questions 3 and 4 were reactants used in the manufacturing process, and thus were consumed to make the product. The process generated an alkyd resin product. No records are available from the 1940 to the 1975, the operation period.
- b. No.
8. a. Searching for information.
- b. There was no soil sampling. The entire facility was covered with concrete. A New Jersey ECRA filing is enclosed for your information and does reference a small amount of soil removed as part of an UST removal.
- c. Looking for records.
- d. Looking for records.
9. a. No.
- i. No.
- ii. No.
10. No known civil, criminal or administrative proceedings were brought for any local, state or federal violation relating to water pollution or hazardous waste generation, storage, transport or disposal.
11. There are no records available for this period as the company has not operated for at least 21 years.
12. a. A New Jersey ECRA clean up took place from 1986 through 1988. The ECRA filing is enclosed for your information and does reference a small amount of soil removed as part of an UST removal. Even though the facility was vacant from 1975-1988, an ECRA was performed by Cook & Dunn Paint Co. Inc. as it maintained the facility boiler room.
- b. See (a) above.

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- c. Since Adco did not perform the ECRA, the enclosed ECRA Initial Notice is the only information available. Perhaps, the State of New Jersey could supply more information.
- 13. a. Looking for additional information in response to this question. Adam G. Dunn owned the property from 1940 through 1977. Looking for records to verify who received the property from Adam G. Dunn, either Eleanor Parker or W. George Parker, or both.
- b. Adco did not own or lease the facility as it was owned by Mr. Adam G. Dunn.
- c. Adam G. Dunn owned the property from 1940-1977. Adam G. Dunn deeded the property in 1977 to Ridge Equity. The land and the facility (property) were sold to a Mr. John Marzano in 1989.

Adco Chemical Company operated the facility from 1940-1975. The facility was vacant from 1975-1988, and thus no operations occurred at the facility. However, Cook & Dunn Paint Co., Inc. maintained the building's boiler and boiler room. The facility was about 105 feet by 85 feet. The building was three stories high, approximately 85 feet wide by 85 feet deep, with an open yard area of 25 feet by 85 feet. The entire facility was paved with concrete.

- 14. a. Adco Chemical Company.
- b. Please identify the time period.
- c. Looking for data.
- d. Looking for data.
- e. Not applicable.
- f. None.
- g. None.
- h. Not applicable.
- i. Not applicable.
- 15. W. George Parker, President. Mr. Parker has been with the company since 1954. Mr. Parker is looking for records of former employees who worked at the facility from 1940 through 1975 during the period of operation.

Fred Zimmerman of the law firm of Wolff & Samson has reviewed the client's response to the questions, and prepared this written version on behalf of the client.

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This completes the response to this information request. Since section 104(e) places a continuous obligation upon the respondent to provide responsive information, Adco continues to look for additional information as indicated above. Since the company ceased operations over 19 years ago, limited records are available. Adco has filed a Freedom of Information Act, 5 U.S.C. § 552 et seq., request (see enclosure) for all copies of information in EPA's possession potentially linking Adco to the Diamond Alkali Facility. After Adco receives and reviews the EPA documents, Adco will respond accordingly pursuant to the requirements of section 104(e).

If you have any questions about this response, then please contact me at (201) 533-6570. Thank you for your attention to this matter.

Sincerely yours,



Fred Zimmerman

w/enclosures  
cc: Amelia Wagner, EPA-ARC

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of New Jersey :

County of Essex :

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

W. George Parker  
NAME (print or type)

PRESIDENT  
TITLE (print or type)

W. George Parker  
SIGNATURE

Sworn to before me this 21<sup>st</sup>  
day of August, 1996

ELEANOR PARKER  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires March 6, 2000

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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF HAZARDOUS WASTE MANAGEMENT  
INDUSTRIAL SITE EVALUATION ELEMENT  
CN 028, TRENTON, N.J. 08625

CLIENT'S COPY

ENVIRONMENTAL CLEANUP RESPONSIBILITY ACT (ECRA)

INITIAL NOTICE

SITE EVALUATION SUBMISSION (SES)

This is the second part of a two-part application form. This information must be submitted within 45 days following any applicable situation as specified at N.J.A.C. 7:26B-1.5 or any triggering event as specified at N.J.A.C. 7:26B-1.6. Please refer to the instructions and N.J.A.C. 7:26B-3.2 before filling out this form. Answer all questions. Should you encounter any problems in completing this form, we recommend that you discuss the matter with a representative from the Element. Submitting incorrect or insufficient data may cause processing delays and possible postponement of your transaction. Please call (609) 633-7141 between the hours of 8:30 a.m. and 4:30 p.m. to request assistance.

PLEASE PRINT OR TYPE

Date 12/19/88

I. Industrial Establishment

Name Cook & Dunn Paint Co., Inc.

Address 148-154

City or Town Newark Zip Code 07101

Municipality Newark County Essex

A. Operational and Ownership History: (Attach additional sheets if necessary)

<u>Name</u>	<u>Owner/ Operator</u>	<u>From</u>	<u>To</u>	<u>Current Address</u>
<u>Adco Chemical Company</u>	<u>Owner</u>	<u>1937</u>	<u>Present</u>	<u>49 Rutherford St. Newark, NJ</u>
<u>Adco Chemical Company</u>	<u>Operator</u>	<u>1937</u>	<u>1972</u>	<u>49 Rutherford St. Newark, NJ</u>
<u>Cook &amp; Dunn Paint, Co.,</u>	<u>Operator</u>	<u>1975</u>	<u>1988</u>	<u>700 Gotham Parkway Carlstadt, NJ</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

B. Brief description of past operation(s) conducted on site (Attach additional sheets if necessary)

- 1) Adco Chemical Co., Inc. - until 1972 - processing and distribution of substances used in the paint manufacturing & related industries.
- 2) Cook & Dunn Paint Co., Inc. maintained & serviced the boiler and boiler room only. Remainder of building vacant since 1975.

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2. List all federal and state environmental permits applied for, or received, or both, at this facility (*Attach additional sheets if necessary*)

Check here if no permits are involved   X  

A. New Jersey Bureau of Air Pollution Control

Permit Number	Certificate Number	Date of Approval or Denial	Reason for Denial (if applicable)	Expiration Date
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

B. New Jersey Pollutant Discharge Elimination System (NJPDES)

Number	Discharge Activity	Date Issued or Denied	Expiration Date	Body of Water Discharged Into
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

- C. United State Environmental Protection Agency (EPA) Identification Number and copy of the most recent generator Annual Report prepared pursuant to the New Jersey Hazardous Waste Regulations. (*If applicable*)

ID # \_\_\_\_\_

Is a copy of the Annual Report attached?        Yes (See Attachment # \_\_\_\_\_)        No

- D. Resource, Conservation, Recovery Act (RCRA) Permit # \_\_\_\_\_

- E. Bureau of Underground Storage Tank Registration Number(s) \_\_\_\_\_

- F. All other federal, state, local governmental permits.

Agency Issuing Permit	Permit No.	Date of Approval or Denial	Expiration Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____



3. Summary of Enforcement Actions for Violation of Environmental Laws or Regulations:

Check here if no enforcement actions are involved   X  

A. Date of Action \_\_\_\_\_

Section of Law or Statute violated \_\_\_\_\_

Type of Enforcement Action \_\_\_\_\_

Description of the Violation \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How was the violation resolved? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Date of Action \_\_\_\_\_

Section of Law or Statute violated \_\_\_\_\_

Type of Enforcement Action \_\_\_\_\_

Description of the Violation \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How was the violation resolved? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Site Map

Is this map enclosed?   X   Yes (See Attachment #   1  )        No

If No, state the reason \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*(Attach additional pages, if necessary)*

5. Description of Operations:

Is this report enclosed? ☒ Yes (See Attachment # 2) ☐ No

If No, state the reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Description of Building Heating System:

A. How is the Industrial Establishment currently heated? (Oil, Gas, Electric) Not heated

How long has the Industrial Establishment been heated by the above fuel/energy source: 20 years

B. Was the Industrial Establishment heated by fuel oil at any time: ☒ Yes ☐ No

Is information on the decommissioning of underground fuel oil tanks included with item No. 14 of this form?

☒ Yes ☐ No If no, explain below: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Are the results of the Integrity Evaluation for Existing Underground Fuel Oil Tanks enclosed?

☐ Yes (See Attachment # \_\_\_\_\_) ☒ No If no, state the reason No existing

UGSTs on site, see information on decommissioning of UGST.  
\_\_\_\_\_  
\_\_\_\_\_

7. Summary of Industrial Establishment Wastewater Discharges of Sanitary and/or Industrial Waste:

A. Discharge Period		Discharge Type	Treatment By
From	To		
<u>1975</u>	<u>Present</u>	<u>None</u>	
<u>1975</u>	<u>1975</u>	<u>Sanitary</u>	<u>PVSC</u>

B. If the Industrial Establishment discharges sanitary and/or industrial wastes to a publicly-owned treatment plant, provide the name/address of that facility.

Name Passaic Valley Sewerage Commission Telephone # 201-344-1800

Street Address 600 Wilson Avenue

Municipality Newark State NJ Zip Code 07015

Date(s) of Discharge Nature of Discharge

- Periodic prior to 1975 Sanitary
- \_\_\_\_\_
- \_\_\_\_\_

8. Hazardous Substance and Waste Containment Description: (Attach additional sheets if necessary)

Type of Storage Unit	Date Installed	Area or Volumetric Capacity (include units)	Material Stored	Construction Type	Location Reference	Decommissioning or Sampling Reference
UGST	before 1960	6,000 gallons	#4 Fuel Oil	Steel	Courtyard	removed see #14

9. Hazardous Substance/Waste Inventory: No hazardous substances or wastes on site from 1972-Mid 1988, oil was stored in an UGST. Tank & contents were removed in Mid 1988.

Material Name	Quantity (Indicate units)	Location Reference	Storage Method Container Type/Size	Typical Annual Usage	To Remain on Site (Yes or No)

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**A. Have there been any discharges of hazardous substances and wastes?**

☐ Yes (Complete Item B below)      ☐ No (Go to Item 10C)

### Description of Discharge Event

### Response and Resolutions

Small amount of oil contaminated soil noted during the removal of underground storage tank.

Contaminated soils properly excavated, stockpiled, sampled and disposed of. Complete detail are enclosed as a part of the reporting tank removal and sampling activities.

C. Is this Industrial Establishment subject to Spill Prevention Control and Countermeasure (SPCC) per 40 CFR Part 112 or Discharge Prevention, Containment and Countermeasure (DPCC) Plan per NJAC 7:1E-4.1 requirements?

       Yes      x   No    A copy of the Plan(s) may be required at the discretion of the Department.

## 11. Sampling Plan Proposal

A. Is sampling proposed at the facility?        Yes (See Attachment #       )        No   X  

If sampling is not proposed, please explain below. (Attach additional sheets if necessary)

Not applicable.

B. Is groundwater sampling proposed?        Yes   x   No

**Note:** If groundwater sampling is proposed under the plan, you must complete ECRA Form 002A "Request for Hydrogeologic Assessment" and submit it with the application.

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## 12. Decontamination/Decommissioning Plan

A. Is the facility Decontamination/Decommissioning Plan enclosed?

       Yes (See Attachment #       )        X   No

B. If no, specify why decontamination/decommissioning is not considered necessary.

Not applicable

### 13. Historical Data on environmental quality at the Industrial Establishment

A. Were sampling results obtained on Environmental Quality for the Industrial Establishment?

       Yes (See Attachment #       )        X   No

B. If sampling results were obtained but are not part of this application, please explain below:

14. List any other information you are submitting or which has been formally requested by the Department:

<u>Description</u>	<u>Attachment #</u>
1) Cook & Dunn Paint Co., Inc. is a small business. Refer to ECRA Case # 88284	3
2) Tank removal report	4

### FEE CHECKLIST

Include below a breakdown of the total fee submitted with this application. (See N.J.A.C. 7:26B-1.10 for the appropriate fees.)

<u>Item</u>	<u>Amount (\$)</u>
1. Initial Notice Review	
i. Without Sampling Plan	250.00
ii. With Sampling Plan that includes only underground storage tank analysis without groundwater monitoring	
iii. With Sampling Plan other than ii. above or iv. below	
iv. With Sampling Plan that includes any groundwater monitoring	
2. Sampling Data Review	
3. Negative Declaration Review	100.00
4. Cleanup Plan Review	
5. Oversight of Cleanup Plan Implementation	
TOTAL FEE ENCLOSED	\$ 350.00

ARE FEES ENCLOSED?      ☒ YES

**CERTIFICATIONS:**

- A. The following certification shall be signed by the highest ranking individual at the site with overall responsibility for that site or activity. Where there is no individual at the site with overall responsibility for that site or activity, this certification shall be signed by the individual having responsibility for the overall operation of the site or activity.

*I certify under penalty of law that the information provided in this document is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of N.J.S.A. 13:1K-6 et seq., I am personally liable for the penalties set forth at N.J.S.A. 13:1K-8.*

Typed/Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Sworn to and Subscribed Before Me

on this \_\_\_\_\_  
Date of \_\_\_\_\_ 19 \_\_\_\_

\_\_\_\_\_  
Notary

- B. The following certification shall be signed as follows:

1. For a corporation, by a principal executive officer of at least the level of vice president;
2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
3. For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official.

*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate, or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of N.J.S.A. 13:1K-6 et seq., I am personally liable for the penalties set forth at N.J.S.A. 13:1K-8.*

Typed/Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Sworn to and Subscribed Before Me

on this \_\_\_\_\_  
Date of \_\_\_\_\_ 19 \_\_\_\_

\_\_\_\_\_  
Notary